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LETTER DATED 17 JULY 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to transmit herewith a copy of an updated memorandum on Eritrean aggression against Ethiopia and continued gross violations of the human rights of Ethiopians in Eritrea.

I should be grateful if you could kindly circulate the present letter and its annexes as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

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Annex I

Updated memorandum by the Government of the Federal Democratic Republic of Ethiopia, dated 16 July 1998

Eritrean aggression against Ethiopia and continued gross violations of the human rights of Ethiopians in Eritrea

1. It is now over two months since the unprovoked and naked aggression against Ethiopia was launched by the Eritrean regime. It is well known to the whole world that the Ethiopian Government as well as the international community have been calling upon the Eritrean Government to pull out its invading force from Ethiopian territory and instead to seek a peaceful resolution to the conflict. Nevertheless, the Eritrean regime has so far turned down all the peace proposals in flagrant disregard of the peaceful intentions of Ethiopia, the proposals of the facilitators, namely, the Governments of the United States of America and Rwanda, the resolutions of the Organization of African Unity (OAU), the United Nations Security Council and the European Union.

2. This being the indisputable fact known to the international community, the Eritrean regime has persisted with its empty rhetoric ad nauseam that it is committed to a peaceful resolution of the crisis between the two countries, and has continued to disseminate its baseless accusations against Ethiopia.

3. In this connection, the statement issued on 3 July 1998, by the Ministry of Foreign Affairs of Eritrea under the title "Ethiopia's gross violations of the human rights of Eritreans living in Ethiopia", circulated as an official document of the General Assembly and the Security Council (A/52/974-S/1998/611), is the most recent attempt in the series of unfounded allegations levelled against Ethiopia by the Eritrean regime.

4. That statement is a familiar ploy by the Eritrean authorities aimed at deceiving the international community and covering up the war of aggression against Ethiopia, that is, continued occupation of Ethiopian territory since 12 May 1998, over and above its gross violations of the Geneva conventions of 1949, which the whole world has witnessed in extensive detail, particularly in its air attack on Adigrat and Mekelle, targeting civilians and shelling the social facilities in Zalambassa, Badme, etc., over a period of days. As such, it has come as no surprise to the Ethiopian Government. We believe that the international community will see this latest nefarious posturing by the Eritrean regime for what it really is - a futile attempt by a criminal to cover up his crime.

5. In the light of the above attempt to distort the facts, the Government of Ethiopia is duty-bound once again to put the issue in its proper perspective and to bring additional facts and developments to the attention of the international community at large and relevant international organizations mandated to look into issues of this nature in particular.

6. As has been so commonly manifested in its crude practice of the use of force against civilians, the Eritrean Government once again unashamedly demonstrated its brutal actions targeting Ethiopian civilians.

7. The Eritrean regime, which has no track record in respect of basic human rights and freedoms, and which has declared officially at the highest political level (the President himself) that war has no rules and that indiscriminate killings of civilians is inevitable and justifiable, has no moral ground to talk about violations of human rights.

8. Ever since the Eritrean regime unleashed the unprovoked aggression against Ethiopia, the Eritrean forces have deliberately chosen to strike civilian targets. In this regard, the bombing of an elementary school by the Eritrean Air Force in the city of Mekelle in broad daylight while students were in their classrooms, killing 51 and wounding 136, is a brutal act prohibited under general international humanitarian law, particularly under the Geneva Conventions and the two Additional Protocols which protect civilians during armed conflicts. There is no question that the air strike at the elementary school was a premeditated attack carried out twice within the space of two hours.

9. This act of indiscriminate killing of civilians was repeated on 11 June 1998 in Adigrat, where civilians and relief food supply stores were targeted, killing 4, and wounding 30 civilians, including an 18-month-old baby and a pregnant woman. These victims were the same people previously displaced by the aggressor force from the border town of Zalambessa.

10. The targeting of civilians, social and economic infrastructures is not something unprecedented for the Eritrean regime. The Eritrean aggression started on 12 May 1998 with the destruction of schools, health stations and other infrastructures in the locality of Badme. This has left the entire population of Badme and its environs with no health services and educational facilities. Thousands were displaced and left homeless and are now sheltered in relief centres.

11. In the first week of June, for no reason except to cause destruction, the Eritrean regime indiscriminately shelled and completely destroyed the Ethiopian town of Zalambessa. Its residents, over fifteen thousand (15,000), were compelled to flee to Adigrat, where they were mercilessly bombed again a week later.

12. The Eritrean regime has not limited its act of indiscriminate attack on civilians to northern Ethiopia. It has continued to unleash a campaign of terror against peaceful Ethiopians residing in Eritrea. The Eritrean authorities have been detaining thousands of Ethiopians in the Sawa, Asmara and Assab concentration camps without access to their families, the International Committee of the Red Cross (ICRC) and journalists. These defenceless Ethiopians continued to be exposed to the worst form of torture, atrocities and inhuman treatment. Many others were dumped on the common border of the two countries. The Eritrean forces have brutally expelled well over 5,000 Ethiopian civilians from Eritrea after depriving them of their property and subjecting many of them to beatings and torture.

13. The parading of an Ethiopian prisoner of war in the streets of Asmara on 6 June 1998 is only one example of the act of brutality that is characteristic of the regime's behaviour from the outset.

14. Ethiopians in Ethiopian territories occupied by Eritrea are being compelled to take up Eritrean citizenship and prevented from carrying out their farming activities if they fail to do so.

15. Despite the appeal made by the international community, the Eritrean regime has continued to violate the basic human rights of Ethiopians. Recently, about 30,000 Ethiopians residing in Assab have been denied the right to work or to leave for their country. As a consequence of this outrageous act, two women, who were unable to feed their families, have committed suicide. Some were also subjected to rigorous forms of supervision, whereby they are obliged to report to the Eritrean People's Liberation Front (EPLF) office every day.

16. Furthermore, about 60 Ethiopian nationals died of asphyxiation in the Eritrean Red Sea port of Assab after being locked in an unventilated cargo container.

17. The Eritrean regime, in full disregard of the ongoing effort of the international community to ban anti-personnel landmines and to support the demining endeavour in our subregion, is extensively and indiscriminately using these deadly weapons to terrorize civilians, deny them access to farmlands, causing famine and forcing people to flee their homes and eventually to depopulate the occupied territories. As the result of deliberate use of these weapons, hundreds of innocent civilians and cattle were killed, and many other civilians were maimed. Such practices are a flagrant violation of international humanitarian law and should be condemned unequivocally.

18. As a result of the naked and blatant aggression of the Eritrean regime and indiscriminate use of anti-personnel landmines, the number of displaced persons has now reached 194,000 and it is expected that this number will soon reach 300,000.

19. The Eritrean authorities have not limited their criminal acts to blatant aggression and gross violations of human rights. They have been trying to complement these acts with various terrorist and espionage networking activities inside Ethiopia. To this end, the EPLF's clandestine organization called "People's Front for Democracy and Justice" has been undertaking a sinister move to organize its underground structure in all parts of Ethiopia, which the Government of Ethiopia unveiled at the earliest stage (see annex II). The aim of this clandestine activity is the destabilization of Ethiopia using Eritrean nationals residing in Ethiopia. This is, to say the least, clearly an abuse of privilege by a category of foreign nationals residing in Ethiopia. Since no self-respecting State can allow itself to be destabilized in such a manner, legitimate measures taken by the Ethiopean Government to counter this threat to national security should be seen in this light.

20. In contravention of the principles laid down under Articles 2 and 10 of the Convention on Transit Trade of Land-locked States of 8 July 1985, and the provisions related with the access of land-locked States to and from the sea and

freedom of transit under Part X (Arts. 124-132) of the United Nations Convention of the Law of the Sea, as well as terms of the Bilateral Agreement on Transit and Port Services signed between Ethiopia and Eritrea on 29 September 1993, the Eritrean authorities have seized a total of more than 135,000 tons of dry cargo, 46,741 metric cube of liquid cargo and 51 metric tons of asphalt, without any legal ground, at the Eritrean ports of Massawa and Assab. These are goods destined for relief, and civilian projects designed to address the basic needs of the people. It is to be noted that the Government of Eritrea is currently transporting seized goods from the ports of Assab and Massawa to Asmara, for which Ethiopia is the proprietor.

21. On the contrary, the Ethiopian Government's reaction to the unprovoked aggression by the Eritrean regime was based on the cardinal principles of international law and relevant conventions. Even weeks after the aggression was committed by the invading forces, the Ethiopian Government has not responded in kind and has exercised maximum restraint, even though it was fully justified to do so under international law. The defensive air strike by the Ethiopian Air Force only targeted military installations at the Eritrean Air Force base in Asmara. As far as the ground war is concerned, Ethiopia has continued to defend its territory from further encroachment by Eritrean forces. Moreover, it has treated prisoners of war taken as the result of the military engagement with Eritrean forces in the most human way. ICRC and other concerned agencies have full access to visit Eritrean prisoners of war.

22. Furthermore, the policy of the Ethiopian Government towards Eritreans residing in Ethiopia is based on the solid principle of friendship and a bond of common destiny. Even in the face of naked aggression and continuous provocation by the Eritrean regime, the Ethiopian Government is totally committed to respect the rights of Eritreans living in its territory and fully guarantees them the right to live and work in peace. Under no circumstances will the Ethiopian Government succumb to a tit-for-tat exercise with the Eritrean regime in the treatment of civilians in conflict situations.

23. However, the Government of Ethiopia, as a victim of unprovoked aggression, has taken precautionary measures on former EPLF combatants, members of the EPLF's clandestine organization called "People's Front for Democracy and Justice", and conscripts who entered Ethiopia taking advantage of the visa liberalization policy, and on those who have been found contributing materially and financially to Eritrea's war of aggression. These measures have been taken in full transparency and according to pertinent international norms and principles.

24. Moreover, Ethiopia has facilitated, and will continue to do so, for ICRC, concerned United Nations agencies and other intergovernmental and non-governmental organizations, regular access to prisoners of war and temporarily detained Eritrean civilians, while the Eritrean regime, in spite of the promises it has made, has so far never allowed ICRC and other concerned United Nations bodies to have any access to Ethiopian civilian detainees and prisoners of war (annex III).

25. In the light of the foregoing, the Government of Ethiopia would like to reiterate, that the Eritrean Government has neither the moral nor the political

standing to accuse Ethiopia of violating the basic human rights of Eritreans currently residing in Ethiopia. It is the Eritrean regime which is solely responsible for committing gross and flagrant violation of basic human rights and freedoms and principles of international humanitarian law. And yet it has the audacity to accuse Ethiopia of human rights violations. This behaviour is indeed a glaring demonstration of the extent of hypocrisy of the Eritrean regime.

26. The Government of the Federal Democratic Republic of Ethiopia believes that the United Nations, regional organizations and their member States have legal, political as well as moral responsibility to take all measures with a view to preventing the Eritrean aggressor from further grave breaches of International law.

27. To this end, the Government of the Federal Democratic Republic of Ethiopia again calls upon the international community, inter alia, to:

- Expose the hypocrisy and temerity of the Eritrean Government in trying to invoke international human rights instruments, not a single one of which it has even signed, let alone ratified, over and above its fabrication of facts and figures;

- Condemn in the strongest terms possible the Eritrean aggression against Ethiopia and gross violations of the basic human rights of Ethiopians peacefully living in Eritrea;

- Secure unhindered access for human rights organizations and humanitarian agencies to areas where Ethiopian nationals have been arbitrarily detained, so that steps can be taken to locate and take them to areas where their personal safety and security can be assured and secure their unconditional release;

- Ensure the unconditional return of the properties of Ethiopian civilians and businessmen confiscated and robbed by the Eritrean regime, as well as detained shipments at the ports of Assab and Massawa;

- Put pressure on the Eritrean Government to abide by the principles of the 1949 Geneva Conventions and the Additional Protocols, which are generally recognized as norms of international law that govern inter-State relations.

28. And further calls upon:

- The United Nations Development Programme (UNDP), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Office for the Coordination of Humanitarian Affairs and other agencies of the United Nations system to make a coordinated response in supporting the thousands of internally displaced persons and those Ethiopian civilians forcefully evicted from Eritrea;

- International human rights organizations, in particular the United Nations Human Rights Commission to investigate and make public the continuing arrests, harassment, intimidation, torture, arbitrary killings and disappearances of Ethiopian nationals in Eritrea.

The Government of Ethiopia, regardless of the inhuman and criminal acts of the Eritrean regime in targeting civilians and civilian installations and the maltreatment of Ethiopian nationals in Eritrea, assures the international community that it remains committed to live up to international standards and norms in the treatment of Eritrean civilians peacefully residing in Ethiopia.

Annex II

Short synopsis of the loss of life, population displacement and destruction of property caused by the unprovoked Eritrean aggression against Ethiopia since May 1998

1. Occupied territories (Badme, part of Shiraro, Atsemeyti and Adi-Tsetser)

12 May	-	20 people were killed, a further 20 were wounded and 370 people were displaced;
13 May-4 June	-	23 social facilities, comprising 12 elementary schools, 9 health posts and 2 clinics, were destroyed;
	-	30 Ethiopians were kidnapped, 8 others were jailed, and 3 civilians were publicly executed;
	-	1,800 quintals of agricultural inputs and grain stored to be distributed to draught victims in the area, thousands of domestic animals, construction materials worth around 100,000 birr and other properties were looted;
	-	Work on 18 boreholes expected to benefit more than 10,000 people was disrupted;
1-12 July	-	Eight churches containing highly valued icons and ceremonial crosses, were looted;
	-	Over 370 Ethiopians were expelled.

2. Makelle town

5 June	-	Eritrean warplanes, targeting primarily civilian targets, killed 51 people and wounded 136 others aged between 5 and 70. The victims of the raids were students in school compounds and families who happened to be in the vicinity looking for their children.

3. Adigrat town

11 June	-	Eritrean warplanes unleashed a second air attack on civilian establishments. As a result of that attack, 4 persons were killed and over 30 others were wounded, while a warehouse of the Commission for Disaster Prevention and Preparedness was seriously damaged and relief supplies (20 thousand quintals of grain and 13,500 litres of edible oil), which were meant for displaced civilians from battle zones, were destroyed.

4. Asmara and its environs

9 June	-	Eritrean security forces evicted over 3,000 Ethiopian civilians and detained about 600 others, confiscating their property, including personal belongings and inflicting inhuman suffering. Many of them were deported through hostile territory across the common border in an inhuman manner.

5. Assab

9 June	-	More than 1,000 Ethiopians who were evicted from Assab were subjected to the worst form of torture and inhuman treatment;
8 July	-	Eritrean authorities expelled 200 Ethiopian teachers, students and merchants from Assab to Djibouti, confiscating their personal possessions;
14 July	-	About 30,000 Ethiopians have been denied their right to work and leave to their country. Two Ethiopian women, who are unable to feed their families, committed suicide. Some were exposed to rigorous forms of supervision whereby they are subjected to report to the EPLF office every day;
15 July	-	About 60 Ethiopian nationals died of asphyxiation in the Eritrean Red Sea port of Assab after being locked in an unventilated cargo container.

6. Other parts of Eritrea (Dekemehari, Senafe, Adikei, Massawa, Umahajjer and Tesseney)

11 June	-	Another group of Ethiopians, numbering more than 180, were subjected to the same type of inhuman treatment and deported to Ethiopia.

7. Dislocation of Ethiopian population

As the result of this naked and blatant Eritrean aggression, the number of displaced persons has now reached 194,000 and it is expected that this number will reach 300,000.

8. Illegal detention of shipments destined to Ethiopia at the ports of Assab and Massawa

The Eritrean authorities have detained a total of more than 135,000 tons of dry cargo, 46,741 metric cubes of liquid cargo and 51 metric tons of asphalt, without any legal ground, at the Eritrean ports of Massawa and Assab. These are goods destined for relief and civilian projects designed to address the basic needs of the people.

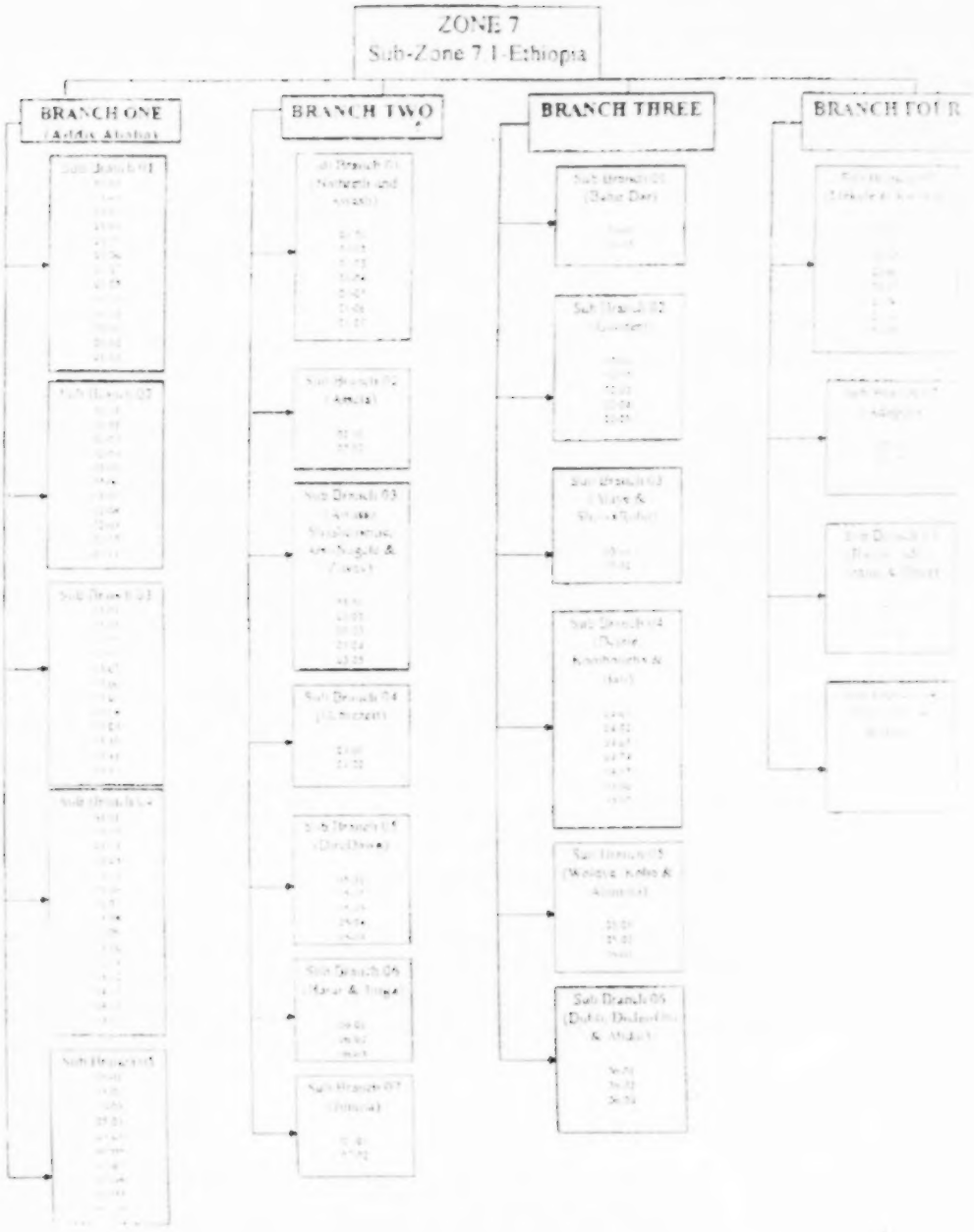
This short list of crimes committed by the Eritrean aggressor against defenceless civilians, including women and children, cannot be confused with border disputes. These are crimes against humanity which the international community must denounce and condemn without hesitation.

Annex III

People's front for democracy and justice

(clandestine organizational structure of the Eritrean People's Liberation Front in Ethiopia)

Adapted from the structure prepared by the EPLF in the Tigrigna Language



Annex IV

Press statement issued by the International Committee of the Red Cross in issue No. 27 of "ICRC News" dated 9 July 1998

ETHIOPIA/ERITREA

ICRC DELEGATES VISIT PRISONERS OF WAR AND PROVIDE MEDICAL ASSISTANCE FOR CONFLICT VICTIMS

The ICRC carried out two visits to the 163 prisoners of war being held in Fiche camp, the first on 27 June and the second on 2 July. All of these prisoners have now been registered.

On 26 June a visit was also made to the civilian internees being held in Fiche in order to register those who had arrived since the ICRC first went to the camp on 20 June. At the end of the second visit a total of 664 civilian internees had been registered.

All the visits were conducted in accordance with the ICRC's standard working procedures and will be repeated on a regular basis.

The civilian internees and prisoners of war who had not yet been in contact with their families wrote Red Cross messages which will be distributed via the Ethiopian Red Cross Society, the Red Cross Society of Eritrea and other National Societies.

In close conjunction with the Tigray branch of the Ethiopian Red Cross and the regional health authorities, the ICRC furnished additional medical supplies to be distributed to hospitals and other medical facilities in the northern Tigray region of the country.

In Eritrea, the National Society is continuing to provide medical facilities with ambulances and volunteers near potential conflict areas along the Ethiopian border. Such action has proved helpful in the past, particularly when fighting broke out near the town of Zalambessa and in the south-eastern border area. Local Red Cross branches are being regularly resupplied with first-aid equipment and other essential non-food items. At the same time, in cooperation with local authorities, the Eritrean Red Cross is continuing to assess the situation of displaced persons and other civilians affected by the conflict.

As part of their tracing activities, the ICRC and the Eritrean Red Cross have so far collected 16 Red Cross messages from the families of young men who were studying in Ethiopia under a bilateral exchange programme. Meanwhile, the ICRC is keeping up its dialogue with the authorities in Asmara concerning the protection of persons wounded or captured during the recent fighting.